

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4859 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

ICPA HEALTH PRODUCTS PVT LTD

Versus

REGIONAL PROVIDENT FUND COMMISSIONER

Appearance:

MR YS VYAS for Petitioner

MR JD AJMERA for Respondent No. 1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 08/10/97

ORAL JUDGMENT

For the reasons and grounds given out in the judgment delivered today by this Court in Special Civil Application No.8070 of 1992, this Special Civil Application is not maintainable and the same is dismissed only on the ground of availability of statutory remedy of appeal against the impugned order.

2. In this case, this Court, on 4.4.94, has granted

interim relief in favour of the petitioner in terms of para 9(c) of the petition. Para 9 (C) of the Special Civil Application reads as under:

Pending hearing and final disposal of present writ petition, Your Lordships may be pleased to stay the implementation, operation and execution of impugned order dated 21.10.1993 (Annexure 'A' hereto) and Your Lordships may also be pleased to stay the further proceedings in the subject matter pending before the respondent herein by way of the proceedings under Section 7-A of the Provident Funds & Miscellaneous Provisions Act, 1952.

3. In the result, this Special Civil Application fails only on the ground that now statutory remedy of appeal is available to the petitioner under section 7-I of the Employees Provident Funds and Miscellaneous Provisions Act 1952, and in case such appeal is filed within a period of one month from today, the same may not be dismissed only on the ground of limitation and shall be decided on merits by the appellate tribunal. The interim relief which has been granted by this Court in this case is extended for further six weeks from today. The appellate tribunal shall consider afresh, the matter of continuation of interim relief in favour of petitioner in accordance with law. It is however made clear that the appellate tribunal, while dealing with the question of extending the interim relief granted by this Court, shall not be influenced by the fact that this Court had earlier granted interim relief in favour of the petitioner, and shall decide the matter in accordance with law. Rule discharged subject to aforesaid directions. No order as to costs.

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(sunil)